



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

PLANNING & ZONING
Tina M. Lawler, Secretary

PH. (609) 641-0663 ext. 112
FAX (609) 645-5098

**APRIL 19, 2022
ZONING BOARD
MEETING MINUTES**

The meeting was called to order by Greg Seher, Vice-Chair at 7:00 p.m.

Flag Salute
Notification of Meeting

ROLL CALL

PRESENT: Cottrell, Famularo, Koussoulis, Lawler, Reilly, Seher
ABSENT: Baltera, Malia

REGULAR MEETING

OLD BUSINESS:

Vote: Minutes of March 15, 2022 meeting
Motion to approve: Chris Cottrell – second – Marina Koussoulis
All were in favor.

VOTE: D&R for: Appl. #1-2022 for AT&T – 501 Mill Road – Block 200 – Lot 1 for cell tower base expansion to install a generator
Motion to approve – Mike Famularo – second – Matt Lawler
ROLL CALL: Cottrell, yes; Famularo, yes; Koussoulis, Lawler, yes; Seher, yes

VOTE: D&R for Appl. #3 - 2022 for Tom & Heather Higbee – 1111 Blenheim Ave. – Block 105 – Lot 1 seeking approval for a front yard setback variance for construction of an addition to the home

Motion to approve – Matt Lawler - second – Mike Famularo
ROLL CALL: Cottrell, yes; Famularo, yes; Koussoulis, Lawler, yes; Seher, yes

NEW BUSINESS:

Appl. #5-2022 for Emanuel Pollack and Andrew Breiner for 413 Absecon Blvd. - Block 224 – Lot 29 for Use Variance for warehousing and storage uses and a Site Plan Waiver request

Nick Talvacchia, attorney for applicant and Jon Barnhart, planner and engineer for applicant both appeared.

Nick – gave some history of this site that started in 2000 with the Home Depot. He's been to the board a few times for several approvals. The developer first tried to get a large retail operator, but couldn't, then tried to have two pad sites for restaurants and still couldn't. Eventually, Staples came and they got approval for retail. They have tried to get tenants since they left and haven't and it reverted back to the bank a few years ago. The new applicant is in the warehousing business and have another site in Elizabeth, NJ of about 43,000 sq. ft. They would like to use this site for warehousing/storage use. The times have changed, especially in retail and warehousing has become a large use. E-commerce has become very big and most of these products housed are for this. The products are held there and then distributed. It could end up being a warehouse for a furniture store as well or that type. They'd prefer it to be an e-commerce business warehouse. It's about 21,000 sq. ft and it has a loading dock and 86 parking spaces, which is more than enough to provide circulation. Trucks could come in and out 4-5 times a day, but box trucks; tractor trailers would come occasionally. This would be a low use business and not retail at all. There would be about 4-5 employees. The good news is that the building gets used and cleaned up and the outside would be cleaned up as well. He believes the hardship is that there is no other use for this and with the changing economy, it really is a link in the retail chain.

Jon Barnhart – stated his credentials and then he also explained his involvement as well since 2000. It's just over 2 acres parcel of land that sits off the White Horse Pike. Because of the topography of the land and the curve of the pike, it's well hidden. It's been a challenge for his client for years now. Unfortunately, this building has been vacant for years and not maintained. We have a new user that they think will work well with this site and its challenges. It's a big box that is essentially a warehouse that operates as a retail component. It is laid out and functionable as a warehouse type of use. It has more than adequate parking and the loading dock is already there. He listed the permitted uses and explained why each one would not be viable. He gave the positive criteria and referred to purpose A zoning, promoting the general welfare and how the site is well suited for this use and purpose H dealing with traffic and circulation. As to the negative criteria, he feels it would not be a detriment to the zone nor a detriment to the public good and explained the benefits of it. There would be no impact to the surrounding properties since it will be a quiet operation and well secured. The hardship is not being able to find a tenant and the history of this site. Eddie's report was reviewed by them and they can and will comply with all the comments.

Greg – asked how long it has been vacant and if they have a tenant yet

Nick – he has lost track, but it was estimated about 10 years. They haven't marketed it yet, since they don't own it. It could be a more conventional warehouse, example: an existing business who has to store furniture in the off season or storage for inventory for their shops. They would like to get an e-commerce business, since they are in the business for that already, if not, they will rent it as a warehouse. They will be restoring the previous site plan and will follow what the engineers requested. They did ask if they could not have to restripe all 86 spaces, since it will look sloppy to have all the lines if not necessary. They will submit a striping plan to Eddie for his review.

Matt – it's a big building and if they buy it and then can't rent the whole thing out to one client, they might consider to cut it up into four units and that could require more site work.

Nick – They wouldn't partition it off, but allocate space. The most it would be is two tenants due to the size of the building and there is one loading dock, which is more than enough for two tenants.

Marina – she knows the government restricts many products, but there are many products that are out there and available for purchase and have to be stored somewhere. Would it be wise to put in a clause or restriction just to make sure that detrimental products are never stored there?

Jim – the only law enforcement this board would have would be code enforcement and he doesn't see them policing what's in boxes. That would be the police or FBI or higher. Thinks a clause is not needed.

Nick – we will be getting a Mercantile License and obviously they are not going to do anything illegal. You don't even have to say that, it's a given.

Bob Smith, appeared for Eddie – they are not proposing any changes to the site and they did a bulk evaluation of the site, but for informational purposes only. There are existing non-conformities, but there was an approved site plan before. They testified to the positive and negative criteria for justification, but he did want testimony on the record to night activity.

Nick and Jon both said there is the possibility.

Nick – explained the reciprocal easement and restriction agreement, which is common. In 2000 Home Depot bought their lot and then they obtained two lots and then one last lot and did a reciprocal easement in contemplation of having a retail center. One of the restrictions was that only retail uses could be put there. There is a preliminary verbal okay for now. He feels that they know the history of this site and that it's not ending up what they wanted it to look like.

Bob – asked for testimony from Jon as to why this property is appropriate for this site

Jon – explained that this type of warehousing is better here rather than mixed with industrial warehousing. This is for storage for retail use.

Bob – how about traffic and circulation impacts?

Jon – access is made by the jug handle that was made as part of the Home Depot project. There is a light on Rt. 30 for traffic leaving the property. He explained the circulation of the property then. The traffic will decline with this use rather than a retail store.

Bob – do you plan on any signs?

Nick – they plan to put the name of the company and will comply with the ordinance.

Bob – the applicant testified that they have no problem complying with any of our recommendations. There are some minor site issues to address and bring the site back up to what it was and they indicated that they have no objection to that.

Greg opened the meeting to the public. No public comment.

Jim – by way of at least 5 affirmative votes the motion would be to grant the use variance for warehouse/storage use. All comments and conditions from the engineer will also be complied with.

Motion was made by Chris Cottrell – second – Matt Lawler

ROLL CALL: Cottrell, yes; Famularo, yes; Koussoulis, Lawler, yes; Reilly, yes; Seher, yes

Motion passed 6 to 0 in favor.

ADJOURNMENT

Motion to adjourn – Mike Famularo – second – Matt Lawler

All were in favor.

Respectfully submitted,


Tina Lawler, Secretary

Approved: 5-17-22